

MASS. EA24.3:992/1 ✓

HWACalendar

GOVERNMENT DOCUMENT
COLLECTION

January 15, 1992

JAN 16 1992

MONTHLY MEETING

University of Massachusetts
DEP ONE WINTER STREET
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BOSTON

5TH FLOOR CONFERENCE ROOM

Published by the Division of Hazardous Waste for the
HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

- 9:30 Announcements
Hearings for 150B regulations
Letter to EPA re. antifreeze
- 9:45 Constituencies represented by the Hazardous Waste Advisory
Committee (Each member will be invited to describe the
organization they represent and their role in
communicating about hazardous waste matters)
- 10:15 Committee business:
Renewals of expiring terms
Election of steering committee for 1992
- 10:30 The Community Right-to-Know experience in North Andover -
Fire Chief Bill Dolan and Lt. Tom Casale
- 11:30 Enforcement Profile, a summary of SFY'91 actions in the 21C
Program - Bill Sirull

Subcommittee schedule:

Transporters Committee February 12, 1992, 10:00-Noon
1 Winter Street, 10th floor conf. room

150B Public Hearings:
Boston, 1 Winter St., 10th floor February 10, 1992, 10 AM
Brockton High School February 10, 1992, 7 PM
Springfield City Hall February 11, 1992, 7 PM
Lowell Heritage Park Visitor Center February 13, 1992, 7 PM



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
December 18, 1991

Present: Brown, Cahaly, Cox, Davis, Lacouture, Mascoop,
McGregor (chair), Ozonoff, Raymond, Schloss

Absent: Dufresne, Rubinstein

Steve DeGabriele announced that EOEa has asked DEP for three budget scenarios for FY'93, one to show a cut of \$5.5 million, one to show a cut of \$2.5 million, and a third to show an increase of \$600,000. In the first two scenarios, the RCRA/21C program would be cut by 21 state-funded positions, resulting in reversion of the federal RCRA program to EPA, and a loss of \$1.6 million in Federal funds. In addition, the proposal would cut the Safe Drinking Water Act program and the federal portion of the Air Quality asbestos program. One regional office, totaling 70 positions, would also be eliminated, and services redistributed throughout the other regional offices. Under the \$2.5 m. cut scenario, the 70 Regional positions would be retained but the three federal programs would be cut. The remaining portion of the 21C program would include transporter licensing, which is a state-regulated activity. Potential loss in fee revenues is estimated at \$3 million. Under the \$600,000 increase scenario DEP would increase compliance and enforcement staffing by 15 positions. The proposals are now being analyzed at the Office of Administration and Finance.

Nancy Wrenn reported that the Biennial Report was mailed out on December 11 and that to date very few phone calls have been received. An EPA Help Line will be available by the first of January.

Sue Raymond, co-chair of the 150B subcommittee, said that the document which had been mailed out to HWAC was a synthesis of many hands, not just the subcommittee's, and that there was not yet consensus or willingness to submit this to public hearing. Chris Ayers, 21C legal counsel who has been involved in drafting the regulations, stated that she has tried to dovetail the 150B regulations with C. 21D and C. 21C, which were enacted at the same time as 150B. A rider to 21E-related legislation currently being considered would clarify the jurisdiction of 150B.

Comments from the HWAC attendees, which will be considered in the ongoing effort to draft these regulations were:

- Storage needs to be included in order to provide comparable for transfer stations

- The more precise date of 11/79 is suggested for those facilities which hold licenses, as described in the Transitional Provision (2).
- The waiver provision is not needed.
- There needs to be a section on preservation of authorities to state that nothing in these regulations would preempt a Board of Health from acting under its other statutory authority. And another statement that these regulations would be exclusive in implementation of 150B.
- "Applicant" could apply to all pending and future applications and supplements to applications.
- References to 150A should be dropped.
- Two steps need to be identified: Are the processes comparable? What is the danger of the entire facility?
- In making comparisons, the regulations should first consider process by process, but also in a complex facility the inter-relationship of such processes needs to be addressed.
- Without requiring a risk analysis, site-specific data needs to be submitted by the applicant regarding "danger" of the entire facility, i.e. beyond the fence line.
- Missing is consideration of local water supplies, e.g. Zone II, III, or aquifer boundary, and transportation network
- Matrix can be added to assist Boards of Health in using the standards of comparison, mitigating factors, and analysis of risk.
- The subcommittee's cover letter will outline the problems with the statute and identify the areas of concern.
- Possible conflicts between C. 40A (Zoning Act), 150B and 310 CMR 22.00 (Groundwater protection regulations) should be explored.

A motion was made by Cahaly to accept the document, as reasonable, not perfect. This was seconded by Davis. Following discussion of the motion, during which a letter from Lynn Rubinstein stating that she would not support the draft was distributed, the chair offered to accept another motion to accept the document with the proviso that changes would be made to sections .104 and .105, and Wrenn outlined the possible calendar for public hearings and promulgation, a vote was taken on the Cahaly motion. Those voting in favor were Brown, Cahaly, Cox and Davis. Those voting against were Lacouture, Mascoop, Ozonoff, Raymond and Schloss. McGregor abstained. A second motion was made by Ozonoff, seconded by Raymond, to communicate to the Commissioner the problems with sections .104 and .105. This motion was expanded by Cox to send a cover letter with the amendments to the draft regulations, pointing out the areas of concern. This motion was approved unanimously, with the proviso that the Commissioner be informed of the division within HWAC and that the differences were deep and strongly held.

Cahaly thanked the subcommittee for their dedicated efforts and the reasonable results.

The meeting concluded with a holiday luncheon.

HWACalendar

February 19, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 5TH FLOOR CONFERENCE ROOM

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- 9:30 Announcements
Report on 150B public hearings - Steve Dreeszen
Vehicle maintenance workshops - Nancy Wrenn
- 10:00 Committee business
Review of minutes of 1/15/92 meeting
Election of 1992 Steering Committee
- 10:15 Constituencies represented by HWAC, continued by those
who did not attend the January meeting
- 10:30 Enforcement Summary, discussion continued - Bill Sirull
- 11:00 The Environmental Challenge of Running a Public Transit
System - Peter Walworth, Manager of Environmental
Engineering, MBTA

Subcommittee schedule:

Transporters Committee

March 11, 1992, 10:00 - Noon
1 Winter Street, 10th fl. conf. room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
January 15, 1992

Present: Brown, Dufresne, Mascoop, Rubinstein (chair), Schloss

Absent: Cahaly, Cox, Davis, Lacouture, McGregor, Ozonoff, Raymond

Steve DeGabriele announced that last month's proposed budget cut scenario has been revised and that the RCRA/21C program cut is not in the Governor's budget. DEP is now listed for a \$1.5 million cut. Hearings on the proposed 150B regulations have been set for February 10, 11 and 13, with a public comment period ending on February 21.

Two other short announcements from staff were made. The Lighting Ballast Policy will become final within the week and a letter from the Commissioner has been sent to EPA recommending clarification of hazardous waste status of spent antifreeze and incentives for recycling.

The minutes of the December 18 meeting were approved as written.

Members of the Committee were asked to describe the organization they represent and their role in communicating about hazardous waste matters. Mary Ellen Schloss, who represents the Metropolitan Area Planning Council, described her responsibility for providing technical assistance to 101 cities and towns and their citizens on potential sources of contamination of their water supplies. Lisa Dufresne, representing the Cape Cod Commission, noted that her agency has regulatory authority to review projects and apply conditions to protect the Cape's resources. She is also working with schools to minimize and manage their hazardous waste and as a hazardous waste planner, she serves as a resource to Fire and Health officials. Ethan Mascoop as a representative of the Mass. Health Officers Association, wants to increase environmental sensitivity on the front line, recognizing that there are a wide range of tasks and expertise among health officers. Geoff Brown who represents the business community through Associated Industries of Massachusetts serves on AIM's 200-member Energy and Environment Council, which is made up primarily of manufacturers, utilities and consultants. He is on a subcommittee for waste whose mission is to make industry part of the solution. Lynn Rubinstein, stated that she is the designated representative of the Mass. Municipal Association but that she particularly sees her role as a voice for western Mass. and for local government and rural communities. As a planner for Franklin County, she works on issues related to water resources and hazardous waste and materials.

Geoff Brown noted that his company, Graphics Technology, was called in to assist the town of Granby when rain entering a chemical storage area caused a chemical reaction. They were able to send two chemists and a hazmat team to respond.

Because of the number of HWAC members absent, it was decided to hold the election of the steering committee in February. Dufresne and Cox volunteered to serve. Those members whose terms are ending in January have been requested to submit a letter from their sponsoring organization stating who the suggested representative will be.

Fire Chief Bill Dolan and Lt. Tom Casale of the North Andover Local Emergency Planning Committee described their experience in a community which has tried to build community awareness about chemicals and deal with risk through the LEPC. Although there has been good cooperation from industry, there is not an active citizen involvement. The press seems to be primarily interested in the Sites List. The state-wide Mass. Emergency Management Agency is more civil defense-oriented and wants all communities to develop a similar "plan," e.g. the Seabrook Plan was 3 volumes. Dolan finds the collection of Material Safety Data Sheets cumbersome and not useful in an emergency. Lt. Casale has a listing of 48,000 chemicals on the Cameo computerized system, but the synergistic effect of these is unknown. The fire department has access to a secured key on the outside of each building where hazardous chemicals are used, which includes a map of the location of these within the facility. The relationship with the Northeast DEP regional office has been positive, Dolan stated.

Members of the committee raised a number of questions, such as the gap between State and local effort and hazardous materials by-law implementation.

Bill Sirull profiled several major civil administrative, civil judicial, and criminal hazardous waste enforcement cases concluded in SFY91. He presented statistics on hazardous waste enforcement actions of all types for the years SFY87-SFY91 and discussed the frequency distribution of violations of the hazardous waste regulations, by citation. Because of limited time, this information will be further discussed at the next HWAC meeting.

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March 18, 1992

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- 9:30 Announcements
 Regulatory & policy development - Jim Miller
- 9:45 Response to Committee's request of Comm. Greenbaum re.
 propellant bag burning at Otis AFB - Steve DeGabriele
- 10:00 Transporter as marketer proposal - John Davey and
 members of DHW staff
- 10:30 Status of proposed revision of C. 21D (Hazardous Waste
 Facility Siting law) and C.111 s. 150B (Site Assignment)
 Regina McCarthy

Subcommittee schedule:

Transporters Committee	April 8, 1992, 10:00 - Noon
Rail Transfer Subcommittee	April 8, 1992, 1:30 - 4 PM

1 Winter Street, 10th fl. conf. room



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
February 19, 1992

Present: Brown, Cox, Dufresne, Mascoop, Ozonoff, Rubinstein
(chair), Schloss

Absent: Cahaly, Davis, Lacouture, McGregor, Raymond

Steve Dreeszen, chief of Licensing, reported that there had been four public hearings on the proposed regulations pertaining to the Site Assignment of Hazardous Waste Facilities (C. 150B) during the second week of February. Written testimony, as well as verbal, has been received, most of which is not in support of promulgation of these regulations because of the flawed statute. It appears at this time that DEP will not go forward with promulgation pending the revision of C. 21D and 150B underway at the Site Safety Council by direction of the Executive Office of Environmental Affairs.

Nancy Wrenn described workshops which are being offered by the Department's Compliance Assistance Training staff in May for vehicle service facilities. Those present suggested that the announcement be mailed to body shops, boards of health, public works, town counsels, and state police. Susan Landau, MDPW, requested free admission for state agency personnel, or at least an information packet, which can be distributed throughout her department.

The minutes of the January 15, 1992 meeting were approved. Following a call for volunteers, on the motion of David Ozonoff, HWAC members, Bob Cox, Lisa Dufresne, and Lynn Rubinstein were elected as the 1992 HWAC Steering Committee.

Continuing the discussion of HWAC constituencies from the previous meeting, David Ozonoff described the large agenda of the Mass. Public Health Association, which he represents. Bob Cox said that he advises the executive committee of the City Solicitors and Town Counsel Association on matters which come up at Advisory Committee meetings, e.g. the 150B regulations.

Prior to the presentation on enforcement activity in the 21C program, David Ozonoff stated that he was particularly concerned about DEP's apparent lack of enforcement against propellant bag burning at Otis Air Force Base. He asked the HWAC to consider making a formal inquiry to Comm. Greenbaum as to the status of regulation and enforcement pertaining to this activity. He said that the Dept. of Public Health has recently issued a report on potential cancer effects in the Upper Cape area. After some discussion among the members, the Ozonoff motion was approved.

Bill Sirull continued his review of enforcement activity in the 21C program, covering the period 7/1/90 to 6/30/91, which he had begun at the previous meeting. The number of Notices of Noncompliance, which is a warning letter, had increased although the number of violations was less. Typical citations related to waste oil management, underground tanks, retention of manifest copies, signs, security, marking and labeling of drums, aisles in storage areas and lack of emergency telephone numbers. Discussion among those present: Do the regulations make sense? Could the regulations be separated for various audiences? Is there any self-correcting mechanism? Are some inspectors too detail-oriented, e.g. change of name of emergency coordinator? What is the inter-relationship with the Office of Technical Assistance, e.g. can toxic use reduction opportunities be added to the inspection? The members requested a review of these questions at a later meeting.

Peter Walworth, environmental manager at the MBTA's Engineering and Maintenance Department, presented an overview of his task in bringing a large agency with multiple "moving and non-moving parts" into compliance with hazardous waste and other environmental regulations. Walworth noted that he has to work in a 3 year budgeting cycle and that the highest priority at the T is public safety and maximum service in peak hours. One of his most formidable challenges is training the T's employees to meet environmental requirements. When proposing a change in job description, he may deal with some 22 unions in collective bargaining.

Included in the T's large real estate holdings are parking lots, which have to have NPDES permits. Most of their garages are VSQG's of hazardous waste (parts cleaner) and larger generators of waste oil. Their vehicles have to have frequent oil changes, e.g. the buses generate 75,000 gals./year. He hopes to burn this oil (30% to 70% natural gas) in an industrial burner. They will be testing gear and transmission oils to determine if these too can be burned but the new Clean Air Act Amendments may not allow this. He will look at other options, e.g. reblending and filtering. He is also looking at the best management options for used oil filters and he wants to do antifreeze recycling. Because most of their vehicles are diesel-powered he does not have problems with lead and benzene. He is also concerned with the practices of contractors, many of whom are just getting up to speed. Discussion centered on additional environmental concerns, such as lead testing equipment reliability, asbestos (the T has licensed asbestos abatement supervisors), stone ballast, railroad ties, electro-magnetic fields, reformulated fuels, air conditioning maintenance, underground storage tanks. He added that he would like to see the Safety-Kleen parts cleaner accepted as a recyclable material, not a hazardous waste.

SUMMARY OF TESTIMONY
on proposed regulations pertaining to C.111 s. 150B
February 1992

Boards of Health:

- Bellingham - combine 150B and 21D into one statute
provide annual listing of all exempted facilities
eliminate exemption of agency of Commonwealth
provide funding for local technical assistance
- Braintree - opposes regs because they expand DEP role beyond
statutory intention
should seek legislative action
transitional provision unworkable
no administrative proceedings offered
waiver provision objectionable
apply only to proceedings commencing after the
effective date of the regs
- Quincy - capacity assurance should not override local rights
require notice to abutting communities
clarify role of public input
clarify site assignment modification
- Tewksbury - eliminate exemption of agency of Commonwealth
concern for waiver
supports transitional provision
legislation needed to correct comparison problem
- Wellesley - sees this as usurping local control, not in
concert with SJC decision
- Weymouth - 150B needs amendment, abandon proposed regs
inconsistency with C.44, s.53G (fees for applicants)
DEP's waiver authority troubling

Other Health organizations and agencies:

- Mass. Dept. of Public Health - Commissioner David Mulligan
Amend regs to include DPH shall provide technical
assistance and health information
- Mass. Health Officers Assoc. - David Naparstek
smaller facilities exempted from these regs
no fee mechanism for technical assistance
wants more collaborative process between DEP and
Boards of Health
- Mass. Assoc. of Health Boards - J. Raymond Miyares
150B impossibly flawed
exemptions do not exist in statute
C.44s.53G contradicts DEP having exclusive regulations

waiver provision disliked
no basis in statute for strict comparison, e.g. process,
population characteristics
decision framework would be undermined by lack of data
grandfather clause is ill-advised

Other municipal interests:

Kopelman and Paige, counsel to 60 municipalities - John Giorgio
statutory authority is unworkable
lack of objective site suitability criteria
waiver inconsistent with statutory authority of Board

Michael Lang* - East Braintree Civic Association
definition of "existing safe, well-managed facility"
needed
both new and existing facilities should be required
to obtain siting permits
potential conflict between provision of capacity and
health and safety of residents
2,000 feet preferred to 1,000 feet in area of concern

Business community:

Clean Harbors of Braintree, Inc. - Frank Wright
although critical of some provisions, supports the
public hearing draft as means of establishing
objective criteria uniformly throughout the state
and rationalizing the site assignment process
DEP goes beyond its authority by requiring that
comparable facility be substantially equivalent
"any" should be changed to "each" applicable comparable
process
Part B permit more than a "mitigating circumstance"
waiver provision needs rewriting for completeness and
dispute resolution
scale of 1"-100" to a distance of 1,000 feet unworkable
comparison does not reflect subcommittee's deliberations

ICI Americas - Richard Scott
concern for substantial technical support needed by
Board of Health to evaluate applications
supports recommendations of subcommittee to revise
21D and 150B

General Chemical Corp. - Mitchell Briskin
has problem with "substantial equivalency," not
mandated by statute
"any" process is too restrictive

Graphics Technology International, Inc. - Geoffrey Brown*
supports revision of statute and 21D
cannot endorse redundant, costly process which lacks
definite standards for evaluation

fears smaller facilities will be driven out and new
facilities discouraged
comparative information not available in public domain
Site Assignment subject to change if outside factors
change

Safety-Kleen Corp. - Thomas Heaton

wants immediate steps to revise 21D and 150B
wants exemption for existing permitted facilities
comparison will be problematic, meaningless
site assignment for modifications beyond statute
DEP should be notified of application
application would be costly, difficult to obtain
comparable information

Associated Industries of Mass. - Robert Ruddock

supports exclusion of generators and recyclers from
definition of "facility"
150B review system is flawed and unworkable
statute needs correction

Southampton Sanitary Engineering Corp. - Karl Kuehner

opposes these regulations because unattainable,
and unaffordable for small company

Laidlaw Environmental Services - Susan Prior*

opposes regulations, supports revision
Sees 150B as ambiguous, erroneous and outdated
Board of Health should look at siting criteria and have
a fee mechanism for reviewing applications

General Electric Company, Pittsfield - Grant Bowman

supports Geoffrey Brown's comments

Public Agencies:

Franklin County Commission - Lynn Rubinstein

opposes adoption of these regs
150B fatally flawed, must be amended
standard of review unacceptable, hazardous materials
presumed to be safer than hazardous wastes
150B omits fees for review of applications
wording changes recommended in current proposed regs

Hazardous Waste Facility Site Safety Council - Ruth Cogan

withhold promulgation, amend statutes
perceived as barrier to siting of new facilities
little benefit to towns, exhausts limited resources
will draft new siting proposal within 30 days

Hazardous Waste Facility Site Safety Council - Gina McCarthy*

abandon these draft regs, information impossible to
assess meaningfully

process would be costly and time-consuming, disincentive
to capable developers
specific comments on language offered

Environmental groups:

Mass. Audubon Society - Susan Raymond *
strongly opposes adoption of these regs
outstanding problems with statute listed
concerns with draft regs re. blurring facility and locus
considerations, comparability, transition, waiver, abutters

Environmental Lobby of Mass. - Judy Shope
opposes promulgation; proposed regs inconsistent and
unworkable
revised statute should identify specific siting criteria
for new facilities, differentiate between existing
and proposed facilities, address issues of need,
technology and financing early in the process,
ensure funding for local review, evolve more
rational risk/assessment system
dislikes waiver provision

Verbal Testimony: (in addition to those * who submitted written
statements)

Senator Paul Harold, Quincy
requests allowance for local regulations in place ahead
of state's

Representative Suzanne Bump, Braintree
concerned about waiver provision
dislikes "red herring" of loss of Superfund monies

Rob Sargent, Toxic Program Director, MassPIRG
concerned that on-site treatment and certain recycling
would be exempted
transitional provisions overstep statutory authority
should not tie to Chaffee Amendment
concerned about minimizing local control

Robert Jabaily, Braintree
comparability standard unworkable
greater risk with TSDF than traditional manufacturing
1,000' not sufficient radius of concern
eliminate waiver provision

APR 23 1992

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HWACalendar

April 15, 1992

MONTHLY MEETING

DEP	ONE WINTER STREET	BOSTON	7TH FLOOR CONFERENCE ROOM
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- 9:30 Announcements:
Update on Revision of 21D and 150B - Gina McCarthy,
Site Safety Council
- 10:00 Response to issue of propellant bag burning at Otis -
Steve DeGabriele
- 10:30 Update on implementation of the Toxics Use Reduction Program
Suzi Peck, TURA director
- 11:00 "Displaced Waste" - the solid waste-to-energy SEMASS
experience with special waste streams - Susan King

Subcommittee Meetings: 10th floor conference room

Transporter Committee	May 13	10:00 - Noon
Rail Transfer Sub-subcommittee	May 13	1:30 - 4:00 PM

PLEASE NOTE: Meeting will be on the 7th floor, in the conference room to the right of the reception desk.

THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME
BY
JOSEPH NEALE
OF THE BOSTON BAR
IN TWO VOLUMES
VOL. I.
BOSTON: PUBLISHED BY
J. B. LEECH, 15 NASSAU ST. N. Y.
1845.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
March 18, 1992

Present: Dufresne (chair), Mascoop, Ozonoff, Rubinstein

Absent: Brown, Cahaly, Cox, Davis, Lacouture, McGregor, Raymond, Schloss

Lisa Dufresne announced that she will be leaving the Cape Cod Commission to take a position with the Office of Technical Assistance, and therefore this would be her last meeting as a member of HWAC.

Lynn Rubinstein announced that she had received a call from Marcia Benes, Mass. Association of Health Boards, regarding legislation (HB5317) which would take the nuisance authority away from boards of health in regard to hazardous waste treatment, storage and disposal facilities, and would grandfather all existing TSDF's from site assignment. She urged members to oppose this legislation on the basis that there had been no participatory process and the bill basically negated the work of those who had been involved in the 150B reform.

Jim Miller presented a proposed policy on the disposal of oily (mineral) absorbents and wipes, a fairly significant waste stream which falls between solid and hazardous waste, but may be considered hazardous because of the mixture rule. The policy would prescribe management, e.g. pick up liquids first before using sorbents. In response to BWP's hierarchy of disposal options (reduce, reuse, energy recovery/recycling, waste-to-energy incineration, lined landfill), there was discussion as to the quality of the ash which would be produced and the practicality of each option. Miller also outlined a proposed schedule for promulgation of certain regulations:

1. Change in Biennial Report requirement for TSDF's.
2. Change in wording in 30.311(7) from "shall" to "may." to allow use of 8-part manifest.
3. Addition of transporters as marketers provision, management standards for VSQG's, Non-HSWA VI and HSWA II clusters.

Nancy Wrenn distributed a letter from Comm. Greenbaum in response to the Committee's letter requesting clarification of the status of regulation of burning of propellant bags at Otis Air Force Base. The Massachusetts hazardous waste management program is not authorized to implement federal rules pertaining to open burning of propellants and EPA has determined that this activity is part of military training exercises and not waste disposal. Following some

discussion of the efficacy of this approach, members present, on Ozonoff's motion, requested that a legal opinion on the regulatory authority of this practice be sought from DEP's Office of General Counsel.

John Davey, chairman of the Transporter Committee, and Steve Bergstrom, of the Licensing Branch staff, presented a proposal which would allow pre-screening of waste oil as "recyclable" prior to shipment. Because the oil would have value, the transporter could be considered a "marketer." The oil would be certified by the generator and thus given a special code which would exempt it from the transporter fee on hazardous waste, an exemption which is due to expire on July 1, 1992. This procedure would also be an economic incentive to generators to keep their oil clean.

Gina McCarthy, executive director of the Site Safety Council, reviewed progress to date on revision of the 21D (Siting) statute and 150B. The revised statute would apply to new hazardous waste facilities and give some local jurisdiction over existing facilities. The existing thresholds in 21D would be dropped. Based on the recommendations of the 1990 Siting Policy Task Force, a new siting process is proposed.

This new process assumes that the state will screen proposals and seek volunteer communities as hosts. The siting council will have a new proactive role, with seven members, five public and one each from the Exec. Offices of Environmental Affairs and Economic Affairs. The steps will begin with a need document, which will be well-publicized; a search for appropriate developers; screening of sites which were considered to be environmentally or politically inappropriate; certification of developer qualification; acceptance of the certification by the Siting Council; general site selection with a public forum process; developer selects from pool of sites which have been screened; "yes" or "no" decision by board of selectmen (may be appealed to DEP); fee to host community to allow for use of consultants.

Discussion centered on potential conflicts in DEP's role: promotional and/or regulatory, and as adjudicator of an appeal; also the potential for selection of towns with little political clout or poorer communities; and concern for the role of a board of health.

The tenth step in the process would be coordinated MEPA review and DEP licensing and would involve the potentially affected communities and a citizens advisory committee. A draft Environmental Impact Report would consider socio-economic impacts and conditions for the facility's operation. If a Siting Agreement cannot be reached, parties can seek resolution through the Office of Dispute Resolution, or binding arbitration. Communities must use the standards of the RCRA license as a basis for appeal. Existing facilities would become involved in the agreement process at the time of renewal of their license. Level I modifications would not require a siting agreement.

HWACalendar

GOVERNMENT DOCUMENT
COLLECTION

MAY 21 1992

University of Massachusetts
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May 20, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

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- 9:30 Announcements
DEP decision re. promulgation of s.150B regulations
Status of Revised C. 21D
DEP Futures Day
- 10:00 Hazardous Waste Transfer Stations at Treatment, Storage
& Disposal Facilities -
Steve DeGabriele, Steve Dreeszen
- 10:30 Waste Oil, follow-up to the Federal Rule - Jim Miller
- 11:00 A Public-Private Partnership: GE, Pittsfield's Household
Hazardous Waste Collection for Pittsfield (April 25)
- Dennis Arseneau, Marketing Projects Manager,
GE Plastics

Transporter Committee Meeting
5th Floor Conference Room

June 10, 1992
10:00 - Noon

PLEASE NOTE: Meeting will be on the 7th floor, in the conference room to the right of the reception desk.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
April 15, 1992

Present: Brown, Mascoop, McGregor, Schloss (chair), Swedis

Absent: Cahaly, Cox, Davis, Lacouture, Ozonoff, Rubinstein

Susan Raymond announced that she has resumed her birth name, which is Swedis.

Gina McCarthy offered the latest draft of the revised C. 21D, which is scheduled to be submitted soon to Sec. Tierney. She stated that existing facilities have been exempted from 21D site assignment under Sections 3 and 8 of the Supplemental Budget now before the Legislature. However, the proposed amended C. 21D would provide a siting process for existing facilities, as well as license modifications and renewals with significant modifications.

Steve DeGabriele, responding to the committee's request for a legal opinion on whether the Department could assume regulatory authority over the burning of propellant bags by the US Army, stated that C. 21C gives DEP broad authority to regulate such activity, if it chose to. The fundamental question is: Is there an imminent threat to people or the environment? DeGabriele noted that the Commissioner's March 16 response to the committee described the continuing efforts to monitor the situation at Otis Air Force and that further questions should be addressed to the Office of Research and Standards. To date, there has been no compelling evidence that there is a direct link between the cancer incidence in the Upper Cape and this activity. Greg McGregor suggested that a source of information might be found in an environmental assessment which would be required of the Army under NEPA, and possibly also MEPA.

Bob Knorr, deputy director of the Bureau of Environmental Health Assessment of the Mass. Department of Public Health, stated that the Army has done a general study, in the western U.S., and in late May or June will do a "burn test" which will provide more data. There is no burning being done at Otis at this time. He said that the Army is responsive, the Army's Industrial Hygiene people are doing a sampling plan.

DeGabriele added that a new upper management decision-making process within the DEP Bureaus will determine which of many proposed changes in regulations, or additions, will go to the public hearing stage. Each must be justified in terms of the legal and technical resources allocated for development.

A copy of the DEP 1991 Annual Report, Innovations, was distributed.

Alyssa Katz, counsel for the Toxics Use Reduction Act Program, provided a status report. She said that new industries have been added to the reporting requirements plus about 100 chemicals. TURA staff will be offering training for new filers during the last week of April. EPA Form R's, due July 1, have been held up. Regulations pertaining to Toxics Use Reduction Plans will be promulgated April 17. A 10-week Toxics Use Reduction Planner course has been offered at the Lowell Toxics Use Reduction Institute. No meetings have been held of the Administrative Council for a year. Additional information on the budget was not available for this meeting.

Susan King, Information Manager for Energy Answers Corporation, provided an overview of the SEMASS waste-to-energy facility in Rochester, Mass. with slides. She said that the quality of the ash and the stack emissions are closely related to upfront screening of the material coming into the plant. (Last year 96 batteries were removed.) There is a high degree of comfort with the low levels of dioxins and furons in the waste-to-energy industry, she said, and the leachate from their landfilled ash meets drinking water standards. They now have a beneficial re-use application in to DEP for the bottom ash. A number of special waste streams have been screened relative to worker safety, permit and site assignment allowances as well as Btu value. SEMASS is currently able to burn 6,000 gals. of their internally-generated oil, steam-cleaned oil filters and sorbent pads from oil spills. They are considering insulation foam from refrigerators and are now accepting auto shredder residue, which has taken 18 months of research. Each vendor must submit a protocol in advance and DEP is on site during the test burn. Tires are a weight problem, even if shredded, and have a high sulphur content. During the summer, which is peak seafood season, they have had an odor problem but that will be corrected in the new burner design.

HWACalendar

June 24, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7th FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
For more information call Nancy Wrenn at 617-292-5587

- 9:30 Announcements
Status of Revised C. 21D
Discussion of EPA's Hazardous Waste ID Rule
Overview of May workshops for automotive service industry
- 10:00 Proposed regulatory amendments - Steve DeGabriele
Transfer Stations at Treatment, Storage & Disposal
Facilities (see attached discussion)
Contaminated soil management [30.252(2)]
- 11:00 Proposed oil filter policy - Jim Miller
- 11:15 Household Hazardous Waste Collection at GE Plastics,
Pittsfield - Steve Moore, Community Relations
- 11:45 Paint exchange in Dover - Jan Connolly, Dover Recycling
Committee

Hazardous Waste ID Meeting
DEP, 7th Floor Conference Room

July 7, 1992
10:00 - Noon

Transporter Committee Meeting
DEP, 10th Floor Conference Room

July 8, 1992
10:00 - Noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
May 20, 1992

Present: Brown (chair), Cahaly, Mascoop, McGregor, Schloss

Absent: Cox, Davis, Lacouture, Ozonoff, Rubinstein, Swedis

On a motion by Cahaly, seconded by McGregor, Geoff Brown was voted by those present as a new member of the Steering Committee, to replace Lisa Dufresne.

The minutes of the April 15 meeting were amended in the second paragraph, third line, to read "150B" site assignment.

Nancy Wrenn announced that GE was unable to attend this meeting to discuss their recent household hazardous waste collection.

Steve DeGabriele announced that Commissioner Greenbaum would soon be sending a letter to Boards of Health and those who commented on the proposed 150B regulations stating that the regulations would not be going forward, at least now, based on the negative comments, the flawed statute, and the proposed revision of C. 21D, which is expected to be introduced by the Administration to the Legislature.

DeGabriele noted that invitations are being sent to representatives of all the DEP advisory groups for DEP Futures Day on June 4. Regulatory issues will be the topic for one session, which will explain the new decision-making process for the agency's regulatory agenda. Included in this agenda are hazardous waste "authorization regulations," necessary to meet federal grant requirements, non-HSWA Clusters IV and VI and HSWA Cluster II, and minor corrective changes to 310 CMR 30.000, such as the addition of commercial TSDF's to the Biennial Report requirement. Promulgation is now scheduled for 9/30/92, the end of the federal fiscal year. HWAC members will be voting on portions of this package at the next meeting.

Next HWAC meeting will be June 24, a week later than usual due to the Boston holiday on June 17.

Jim Miller reported that EPA has decided not to promulgate its long-awaited Waste Oil Rule, due apparently to a moratorium on regulations and the voluminous, contentious comments. However, there is a proposed change in the "mixture rule," which could have significant impact. Miller stated that under this proposal there are two options for determining whether a waste is hazardous. One approach would establish concentration-based exemption criteria (CBEC) for listed hazardous wastes and waste mixtures. Another,

the Expanded Characteristics option (ECHO), would expand the constituents listed in the Toxicity Characteristics (TC) Rule, would be health-based and also look at attenuation and dilution factors and environmental fate of the waste. ECHO appears to be EPA's preferred option.

There were many comments and questions: Lots of waste which is slipping through the cracks could be drawn in. ECHO would deal with leachability while CBEC would consider only the presence of a contaminant. The goal appears to be to get away from listed wastes. Would this approach be more stringent? Would it streamline the system and protect the environment? How difficult would it be to interpret the test results? How much could knowledge of process help? How much of an impact would this have on small businesses?

Members also were concerned about the process. Could a subcommittee be formed to study this? Would there be time to influence the decision? Should we join the Northeast Waste Managers (NEWMOA) in developing comments? Members agreed that it should be a topic for the next HWAC meeting.

Steve DeGabriele stated that he is looking for initial impressions at this meeting to a proposal to allow the holding of hazardous waste for up to 10 days at licensed TSDF's without it being off-loaded and re-manifested. The goal of the proposed amendment would be to allow greater flexibility yet ensure management and protection.

He discussed the federal vs. the state regulations currently affecting this activity. The federal rules allow the transporter to hold shipments up to to ten days in a "transportation-related area." A "transfer facility" is defined as a terminal, parking area, break-bulk facility, etc, which can be used in the event of unplanned delays in shipments. If a container is moved to another vehicle, it is shipped on the same manifest via a continuing transporter. The only management standards are that the waste must be contained in DOT-approved containers. The state system (as defined in 310 CMR 30.408) requires the hazardous waste transporter to ship directly to a TSDF, including milk-runs. The shipment must remain on the vehicle, which shall be "operational" at all times. It may however be held in a "transportation-related area" for up to 5 days in emergency situations (similar to the federal). The shipment cannot be unloaded except in the case of vehicle breakdown.

Questions remaining to be resolved are: Can bulking take place? Would there be an economic benefit and for whom? Would this trigger 21D or 150B? Would the material being shipped have to be acceptable under the TSDF license? Would this affect capacity assurance or double counting?

A draft of proposed language will be sent to members prior to the next meeting.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

DRAFT PROPOSED REGULATIONS

FOR HAZARDOUS WASTE ADVISORY COMMITTEE REVIEW

Authority: G.L.c.21C, §4
Regulatory Cite: 310 CMR 30.000
Division: Division of Hazardous Waste
Bureau: Waste Prevention
Subject: Transfer Stations; Continuing Transportation
Draft date: June 16, 1992

Promulgation of the following draft proposed regulations would add 30.420 to 310 CMR 30.000 et seq. [Note: these draft proposed regulations could also be placed throughout relevant sections of 30.400, 30.600, and 30.800, instead of this draft's concentration in 30.420]

30.010: Definitions

Transfer Station: means the intermediate point in the transport of hazardous wastes where such wastes are brought, stored, and transferred to vehicles for movement to other intermediate points or to the point of ultimate storage, treatment or disposal, such that no ultimate storage occurs; PROVIDED THAT hazardous waste is held for 10 days or less in accordance with 310 CMR 30.420.

Ultimate Storage: means "storage".

Storage: means [existing definition amended by adding on the end] " . . . , but not including hazardous waste held for continuing transportation at a transfer station for 10 days or less and in compliance with 310 CMR 30.420."

Transportation Related Area: means [amended to delete the exclusion of "transfer station"].

30.420: Special Provisions for Transfer Stations at Hazardous Waste Facilities

310 CMR 30.420 through 30.xxx, cited collectively as 310 CMR 30.420, set forth standards and requirements to be met by operators and owners of Transfer Stations that wish to conduct continuing transportation hazardous waste transfer activities. Hazardous waste held at a transfer station that is in compliance with 30.420, and in a manner in compliance with 30.420, will be considered held at an intermediate point in transport, and will not be considered storage.

30.421: General Transfer Station Requirements and Prohibitions

(1) No person shall operate a transfer station except in compliance with all procedural and substantive requirements in, or referenced by, 310 CMR 30.420.

(2) No person shall operate a transfer station unless that person has a currently valid hazardous waste storage license issued by the Department pursuant to 310 CMR 30.800, which specifically authorizes such person to operate a transfer station at the storage facility.

(3) The owner and operator of a transfer station shall comply with all requirements applicable to storage facilities in 310 CMR 30.500 (Management Standards), 30.600 (Technical Standards), 30.700 (Facility Location Standards), and 30.908B (Liability Requirement).

(4) Hazardous waste held at a transfer station shall be held for ten days or less, shall be manifested in compliance with 310 CMR 30.400, and shall be held in containers that meet DOT requirements.

(5) No person who owns or operates a transfer station shall hold hazardous waste in tanks while the waste is held at the transfer station.

30.422: Transfer Station Capacity Limit

(1) A transfer station shall have a hazardous waste capacity limit equal to or less than the amount of hazardous waste authorized for storage by the owner or operator's currently valid hazardous waste storage license.

(2) No owner or operator of a transfer station shall handle, and the Department shall not authorize the handling of, at any one moment an amount of hazardous waste that exceeds the amount of hazardous waste authorized for storage by such owner or operator's currently valid hazardous waste storage license.

30.423: Transfer Station Waste Limit

No owner or operator of a transfer station shall hold or handle, and the Department shall not authorize the holding or handling of, any particular hazardous waste at a transfer station unless the owner or operator has a currently valid hazardous waste storage license issued by the Department for the particular hazardous waste.

30.424: Transfer Station Licensing Process

A person who has a currently valid license from the Department for hazardous waste storage, and who intends to operate a transfer facility, shall apply to the Department for a Class 2 license modification approval, and shall comply with all Class 2 license modification procedures including but not limited to 30.804(29).

30.425: Operation and Management of a Transfer Station In Relation To Storage Areas

(1) At all times, an owner and operator of a transfer station shall operate and manage all transfer station activities completely separate from licensed storage activities.

(2) An owner and operator of a transfer station shall clearly delineate the transfer station area, and shall post signs along the edge of the transfer station area in a manner sufficient to clearly identify the delineation as the boundary between transfer station activities and storage activities. Transfer station activities shall occur only in such clearly delineated transfer station area.

(3) No hazardous waste in transport in a transfer station shall be commingled with hazardous waste in storage. A transfer station owner and operator shall have posted at all times in the transfer station information describing how hazardous waste shall be managed so that there is no commingling of hazardous waste in storage with hazardous waste in continuing transportation.

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Other Regulations That Need Amendment Due To Proposed Transfer Station Regulations

30.010 - general definitions (see above) - amend definition of transfer station, storage, transportation related area, and add definition of ultimate storage.

30.408(5) - the current ban on unloading a vehicle prior to the designated facility would require amendment to allow for unloading at a transfer station prior to the facility designated on the manifest.

30.801(6) - transportation activities licensed pursuant to 30.400 are exempt from 30.800 licensing. Amendment required to carve transfer station activities out of the exemption, so that transfer station activities would be subject to 30.800 licensing.

30.804(29) - new subsection added as follows:

For a new transfer station at a facility pursuant to 30.420:

(a) A list of all hazardous wastes to be handled within the transfer station;

(b) Detailed plans and an engineering report describing how the transfer station shall be designed, constructed, operated and maintained to comply with the requirements of 310 CMR 30.421, including but not limited to a description of

1. Record keeping
2. Segregation of incompatible hazardous wastes;
3. Procedures for unloading and transferring wastes from vehicle to vehicle; and
4. Procedures for temporarily holding containers during transfer operations.

30.852(8) - the license modification list would be amended to add transfer station activities as a Class 2 modification.

30.908B - liability requirements - need to add "transfer station" to scope of 30.908B.

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DOCUMENTS
COLLECTION

July 15, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7th FLOOR CONFERENCE ROOM

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For more information call Nancy Wrenn at 617-292-5587

9:30 Announcements

Proposed Used Oil Filter Policy - Nancy Wrenn

Review of proposed regulatory amendments:

9:45 Contaminated soil management (continued)

10:15 Transfer operations at TSDFs (continued)

11:30 Addition of "or operator" to HHW collection center
application

Other amendments, as time allows

NOTE: Next HWAC Meeting will be September 16.

Transporters Meeting
5th Fl. Conference Room
One Winter Street

August 12, 1992
10 AM - Noon

Reservations required, Advisory Committee members only:

HWAC Field Trip to
Clean Harbors, Braintree

August 19, 1992
9:30 AM Departure
from One Winter Street

MA DEP/DHW
Proposed Regulations and Promulgation Schedule
Summer/Fall '92

Authorization regulations:

Non-HSWA Cluster VI*

- Delay of closure period for HW mgt facilities
- Mining waste exclusions I and II
- Testing/Monitoring activities (new reg, tech correction)
- Criteria for listing toxic wastes; tech amendment
- Modifications to F019 listing

HSWA Cluster II*

- California List Waste Restrictions
- VOC emissions for TSDFs
- HSWA Codification Rules
- Land Ban: 3rd third (may be done separately by incorporating by reference, verbatim, or promulgation)

Proposed state regulations:

- Biennial rpt requirements (30.544)*
- Four-part manifests (30.311(7))*
- Transfer operations at licensed TSDFs (30.500)*
- Insolvency fund (30.901(6)(d), .908A, .908B and .910)
- Contaminated soil management (30.252(2))
- Add "or operator" for assignment of responsibility in application for approval of permanent HHW collection (30.393)

Miscellaneous minor changes to existing regulations:

- Clarification of existing regulations, correction of typographical errors and obsolete references.

* Previously reviewed by HWAC

Promulgation Schedule (8 week minimum from Legal Notice to effective date)

HWAC and Internal/legal review

Legal notice/letter of transmittal sent to Local Government
Advisory Committee, Department of Public Health,
Executive Office of Environmental Affairs

Six public hearings, comment period

Regs published in MA Register, effective on same date



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
June 24, 1992

Present: Brown (chair), Cox, McGregor, Rubinstein, Schloss, Swedis

Absent: Cahaly, Davis, Lacouture, Mascoop, Ozonoff

The minutes of the May 20, 1992 were approved.

Announcements:

The revised 21D (Siting Law) is now under review by a number of people and is expected to be filed in early fall. Gina McCarthy added that there is another review meeting scheduled for June 30 for interested persons.

A discussion of EPA's proposed hazardous waste identification rule is scheduled as an open meeting at DEP for July 7. Jim Miller is working with NEWMOA to develop comments.

The May workshops for automotive service operations, the first such cross-media technical assistance effort, received a B+ evaluation from the 562 attendees.

Clean Harbors, Inc. of Braintree's part B permit, a 1400 page document, was issued on June 23. There will be a 21-day appeal period.

Proposed regulatory amendments:

Greg McGregor excused himself from the deliberations because of potential conflict of interest. Chair, Brown, invited McGregor to offer comment nevertheless.

Steve DeGabriele summarized the intent of the proposed additions and changes in regulation of transfers of hazardous waste as part of transportation-related activities, a draft of which was mailed in advance of this meeting. The purpose of the proposed change, he said, was to provide greater flexibility for transportation of hazardous waste and would allow the generator to retain custody of the waste through to its final destination. It sets standards for the consolidation of waste at a TSDF which would be more stringent than the federal standards, which allow this activity at any "transportation-related area."

Discussion:

Mitch Briskin of General Chemical Co. asked why was the proposed

consolidation at a Part B facility? DeGabriele responded that DEP feels there would be more protection at a facility which must have pollution insurance, personnel training, contingency plans, etc.

Geoff Brown recommended that there be a specific exemption somewhere in the regulations for consolidation of household hazardous waste, not just at a TSDF. He is interested in having this issue brought into the open for LQG's.

Lynn Rubinstein stated that she felt this proposal was a serious undermining of work that had been carefully crafted a few years ago by HWAC and others on the 5-day limits for transportation-related areas. DeGabriele said that this would not change that.

Dan Zankman of Laidlaw Environmental said that 7 commercial TSDF's have the same flexibility now and asked who this would help. Was it circumventing 21D by doubling the capacity of smaller (under 25,000 gals) facilities? Brown asked if this change would allow addition of types of waste as well. DeGabriele responded that the TSDF would not be able to add waste streams. Dreeszen noted that he expects extensive comment in the public hearing phase from transporters who favor the federal scheme.

Briskin asked why DEP was doing this when some Part B's are pending. Susan Swedis said that this would allow 365 days of continuous 10-day periods and asked how many facilities would be affected. DeGabriele said that the proposed regulations provide a linkage between authorized limit of storage and the waste types but there are also physical constraints in some of the facilities. The intent of the regulation is generic and each situation would be reviewed on a case-by-case basis.

Mary Ellen Schloss said she was concerned about the public input and process. Dreeszen said this change in a licensee's permit would be a Class 2 modification for which a public meeting is required and right of appeal under C. 30A. Additional staff time needed to review the modification would be reimbursable under the DEP Fees program.

Bob Cox asked for an explanation of the background to the issue. DeGabriele said that a Part B applicant requested a regulatory amendment based on the less restrictive federal standards and DEP saw broad applicability. Dreeszen said that there could be applicability for all 23 TSDF's, not just those that receive waste from off-site. Briskin said that it doesn't benefit the full-service TSDF which can store indefinitely already. Zankman said that if a facility wanted to increase their activity, they could add a second shift, therefore he believes this really is a matter of increasing storage capacity. McGregor noted that the proposed change would appear to benefit the 5-6 smaller TSDF's who are currently not subject to 21D and are at a competitive disadvantage with the majority of TSDF's which are large enough to be over 21D and grandfathered. McCarthy added that this change has the capability of doubling capacity and there is an issue of

communities' rights of review. For example, transportation routes have not been scrutinized. She sees this proposal as undermining the major revisions of 21D now under review.

DeGabriele said that this discussion has raised many legitimate issues and he invites continuing comment. Others noted that there are many not represented here, e.g. licensed transporters, SQG's and LQG's and hoped that SBANE, AIM and the N.E. Council would provide comment as well.

Rubinstein made a motion not to support this regulatory change as presented, which was seconded by Swedis who added that she would like to have this discussed at the next HWAC meeting and get more people involved. DeGabriele said that it would be tight to meet the regulatory agenda but it would be possible. The concerns of members summarized by Rubinstein are that this is an end-run of 21D, which many have spent a great deal of time on, and a perception of lack of public process for doubling capacity. Brown stated an amendment to the motion to encourage DeGabriele to come back to deal with these concerns. Cox asked why the committee should send the Commissioner a message now and stated that he was opposed to the motion. A vote was taken and Swedis, Schloss, Brown, and Rubinstein approved the motion with the amendment. McGregor abstained. [A quorum was determined to be 6.]

Zankman said there was also a question of whether the proposed change would enable a TSDF to circumvent the hazardous waste tax, which is currently charged to out-of-state generators whose waste is brought in to Massachusetts facilities.

McGregor noted that there would be six public hearings and HWAC had had advance viewing of the draft regulations. Stating that on the basis of his professional experience, he sees some advantages in the proposed change and commented on several points in the earlier discussion. As an attorney representing SQG's he felt there may be some SQG's who are holding waste more than 180 days to try to save money, and consolidation would possibly benefit them if it reduced costs, that as a representative for some cities and towns he thinks DEP should assert authority over ancillary activities, and that his experience with tracking PRP's for 21E cases tells him that this would provide a better paper tracking system, and it would reduce lane miles traveled and add competition of the small TSDF's.

Richard Mahoney, Belson Environmental Consultants, noted that this was a sound proposal and has worked well in other states for 13 years. Laurie Burt, Foley, Hoag & Eliot, stated that she would like to know whether this change would require a Class 2 or Class 3 permit modification.

Brown said he was against the motion and would like to request that the regulations not be moved forward until after the next HWAC meeting. Cox said he did not want to send a message to the Commissioner now and would like to have more detailed regulations for discussion at the next meeting. Schloss said she won't be at

the next meeting but wants to see the issues addressed and sees some benefits to the proposal. Rubinstein withdrew her motion. Brown requested that the entire next meeting of HWAC be devoted to this proposal.

DeGabriele also discussed a proposed regulatory change on the management of contaminated soil. Soil that has been contaminated with virgin oil that has been spilled, not previously used in an industrial process, is currently conditionally exempted from hazardous waste management under 21E. "Used waste oil" contaminated soil may have other contaminants and, when it meets de minimus levels, may be used to cover landfills or be recycled into asphalt. The Department is proposing that "unused waste oil" contaminated soil and used waste oil contaminated soil be added to this exemption but on a case-by-case determination based on set contaminant levels. This would allow more in-state management of these soils. Schloss asked if this would be a partial delisting of waste oil and if the soil would go to landfill as a solid waste. Alan Stern from Cyn Oil stated in response to McGregor's question about how other N.E. states were dealing with this that RI, Conn., and VT treat waste oil as a RCRA waste, Maine as a special waste, NH as a listed waste. Only one facility, in Maine, can currently handle this type of waste now. Estimated volume of contaminated soil which would be considered unused waste oil-contaminated is 5-10%, according to John Fitzgerald, 21E program in Northeast Region.

Steve Moore, Community Relations for GE Plastics, Pittsfield, described the recent collection of household hazardous waste which his company provided for the residents of Pittsfield. A similar collection had been done in Schenectady, NY. They projected 1-5% of the 50,000 residents would participate and they counted 430 cars. Though scheduled to start at 10 AM, cars were lined up by 9:15 and the line disappeared by noon. A brochure was printed by the Berkshire Eagle and interactive closed loop video, organized by the local Center for Ecological Technology, helped to advertise it in the schools. GE's OSHA-trained staff volunteered. Cost was \$40,000. VICON, the solid waste state-of-the-art incinerator, helped by taking latex paint, empty cans and cardboard. GE hopes to do this again but would like to engage the city and other corporations to support it.

Jan Connolly of Dover, a town of 5,000 people, described their paint swap, where usable paint, 3 years old or newer, is brought to the transfer station. To date, 120 cans have been brought in and 90 are gone. The attendant will dry up the unwanted paint and send it to Wheelabrator, if necessary. In Medfield they had a one-day paint collection and any which was not picked up was returned to the donator. She would like to see a list developed of organizations which can use small amounts of paint. Future plans in Dover are to focus on household drugs. Brown noted that his firm would like to adopt discarded paint from their community.

GOVERNMENT DOCUMENTS
COLLECTION

SEP 23 1992

HWACalendar

September 16, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7th FLOOR CONFERENCE ROOM

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AGENDA

- 9:30 Announcements and updates
Status of transfer station regulations
Status of 21D revision
Change in Identification Number Assignment Procedure
Fall DEP Compliance Assistance Seminar Series:
The Municipal Challenge
Minutes of July meeting
- 10:00 Report on visit to Clean Harbors - Susan, Ethan, Lynn, Greg
- 10:15 Review of HWAC role and experience - HWAC members
- 11:00 Upcoming challenges for regulatory development and amendment
Highlights of FY'93 RCRA Grant - Jim Miller
MWRA Household Hazardous Waste Program Recommendations -
Denise Breiteneicher
Other - HWAC

Transporter Committee Meeting
DEP, 10th Floor Conference Room

September 9, 1992
10:00 - Noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
July 15, 1992

Present: Brown, Cox, McGregor, Mascoop, Rubinstein (chair), Swedis

Absent: Cahaly, Davis, Lacouture, Ozonoff, Schloss

Nancy Wrenn distributed a proposed policy for the management of used oil filters and advised those who wanted to comment to direct their comments to Jim Miller.

Lynn Rubinstein, as chair, requested that the discussion of transfer operations at TSDFs be moved up on the agenda to allow some members who had to leave early to vote. Greg McGregor excused himself as a voting member.

Steve Dreeszen introduced the continuing discussion, stating that there had been no further refinement of the draft regulations presented at the last HWAC meeting. Pat Deese-Stanton, assistant commissioner, said that the Department was interested in comments and that she anticipated going to public hearing after Labor Day. Richard Mahoney of Balsam Environmental Consultants offered a color-coded map of the U.S. showing which states allowed transfer at TSD's only, which had no transfer facilities, and which had authorized transfer facility activities. Mass. was coded as one of only six states with no transfer facilities, although there are differences even among these. John Davey of the Transporters Council said that the staff discussed the proposed regulation with them and they were still reviewing it with interest. Dreeszen said that he believes some of the existing TSDF's will not be affected and others would like it but there is no solid information as to the potential benefits of this proposal.

Discussion centered on the definition of capacity, storage, whether each should be determined on a case-by-case basis, the question of how a community can get involved, e.g. traffic impacts, the license modification process, the role of local authorities.

Bob Cox questioned the process and wondered why this proposal had not come through the transporter subcommittee. Dreeszen acknowledged that it had come from a company which was in the midst of the Part B process. He noted that the Site Safety Council would be considering the question of applicability to siting this morning.

Geoff Brown noted that physical constraints of each facility would be self-limiting. Sue Swedis said she felt that the existing capacity of the facility should be the limit. Ethan Mascoop said that he was concerned because there seemed to be a rush for one proponent and that this was not driven by an environmental or public health need. He questioned how it meshed with the 21D process and saw no needs assessment. Geoff Brown noted that it could be a good idea even if it was initiated by someone in the regulated community. He felt it may or may not reduce the cost of shipping waste for generators but wouldn't increase the cost and might help the state's capacity assurance plan and make Massachusetts more attractive to business.

Brown moved that HWAC accept or endorse the proposed regulatory change as a reasonable idea to move forward to public hearing. There was no second to the Brown motion. Dreeszen invited individual members to offer comments and said that the discussion draft will include some of the committee's concerns.

John Fitzgerald of the DEP Northeast Regional Office presented the concept, which is being proposed as a regulatory change to 310 CMR 30.252(2) to allow "unused waste oil contaminated soil" to be managed as is virgin petroleum-contaminated soil under the supervision of the state's Bureau of Waste Site Cleanup. This will encourage in-state recycling, typically at asphalt batching plants, which will reduce the cost significantly. John Carrigan noted that asphalt plants are regulated by the 21C program as recycling facilities. This proposal is a combined effort of several programs which have been working on a comprehensive soil management policy. Geoff Brown moved that HWAC endorse the concepts proposed. Swedis, Rubinstein commented that this was fine, long overdue. On a second by McGregor, the motion was unanimously approved.

Nancy Wrenn discussed the proposed amendment to 30.393 which would add the words "or operator" to the application for a permanent collection center to allow greater flexibility for the operational responsibilities. On a motion by McGregor, seconded by Brown, the members unanimously approved the proposed amendment to 30.393.

Al Shaines requested policy information on municipal handling of white goods. Lynn Rubinstein requested a focussed discussion at a future meeting on household hazardous waste issues, such as paint and the MWRA report.

Rubinstein and others asked that there be a review of HWAC attendance, membership, and the committee's role at the September meeting to determine where the committee can make a meaningful contribution. An agenda of what's coming, the relationship with staff, the question of a reactionary versus an active role could be addressed.

Swedis, Rubinstein, Brown, Mascoop indicated they would be attending the Clean Harbors field trip on August 19. McGregor and Cox were uncertain.

SUMMARY OF HWAC MAJOR ACTIVITIES IN 1991-1992

- February (1991)** Commissioner Greenbaum invited HWAC to address the issue of household hazardous waste. HWAC members Brown, Dufresne and Rubinstein volunteered for special subcommittee to develop recommendations for policy directions.
- June (1991)** Commissioner Greenbaum sets goal of regulations for S. 150B (Site Assignment of Hazardous Waste Facilities) within 6 months. HWAC members Cox, Brown, Mascoop, Swedis and Rubinstein volunteer for special 150B task force.
- September (1991)** HWAC submits its recommendations on Household Hazardous Waste Policy Directions to Commissioner Greenbaum.
- December (1991)** 150B Subcommittee completes its work on the regulations but recommends immediate steps to revise siting statutes. 21D revision begins, following consistently negative public comment about 150B regulations.
- February (1992)** Ozonoff raises issue of propellant bag burning at Otis Air Force Base, following issuance of a Cape Cod public health study. HWAC requests more information from DEP regarding enforcement.
- May (1992)** DEP/DHW proposes next regulatory package, including transfer station amendment.
- July (1992)** HWAC does not vote to recommend including the transfer station amendment in the package.

Outside Speakers at HWAC Meetings:

North Andover Fire Chief Dolan, Local Emergency Planning
Environmental Manager Walworth, MBTA
GE Pittsfield Household Hazardous Waste coordinator, Moore
SEMASS Partnership Information Manager, King

Policies Reviewed:

Lighting Ballasts
Oily Sorbent Mixtures
Used Oil Filters (in process)

SUMMARY OF MWRA RECOMMENDATIONS FOR HOUSEHOLD HAZARDOUS WASTE

During the fall of 1991 the MWRA, with the assistance of an EPA grant, offered household hazardous waste collections to the towns of Somerville (regional site for Arlington, Belmont, Everett, Medford and Watertown), Reading, Newton and Malden. The purposes of this program were to determine the feasibility of financing and conducting HHW education and collections on a long-term basis through the demonstration and evaluation of two different types of collections--single community, multi-day collections and long-term regional collection; to provide information to the public about alternatives to hazardous products; and to assess what effect HHW could have on the MWRA system.

The following recommendations are based on data collected and participant surveys:

1. Long-term collection should be conducted on a regional basis within an area of 6-10 miles in urban and suburban communities, with single-community collection units in rural areas where residences are more spread out.
2. In the absence of a single funding source, funding should come from a variety of sources and be coordinated on a state-wide basis to encourage regional collaborations among cities and towns for long-term collections and management programs. The regional and state entities affected by and responsible for HHW should be involved in the establishing of this funding mechanism.
3. To facilitate more cost-effective management options for HHW, regulations covering the middle ground between one day collection events and full-scale centers should be developed.
4. Increase public awareness through institution of a labelling law and/or a retail tax and through education which provides the consumer with suggested alternative to household hazardous products.
5. Target wastes to achieve cost savings.
6. To more effectively reduce the amount of hazardous waste being released into the environment, communities working to establish a permanent HHW collection center should proactively seek the participation of small businesses and institutions (VSQG's) in their program.

RECEIVED

OCT 22 1992

HWACalendar

DOCUMENTS
COLLECTION

October 21, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7th FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

9:30 Announcements

Status of transfer station regulations
New Federal Rule on Waste Oil Recycling

- Brief Overview of the regulations (310 CMR 30.000)

10:00 Status report on Implementation of HWAC Recommendations on
Household Hazardous Waste Policy Directions (9/91)

Status report on The Multi-Media Approach within the Bureau
of Waste Prevention

Pat Deese Stanton, Ass't Commissioner

11:00 Proposed waste oil filter policy - Jim Miller

11:30 New DEP Regional Service Centers (tentative, pending
availability of staff presenter)

Transporter Committee meeting
DEP, 5th Floor Conference Room

October 14, 1992
10:00 - Noon

Transporter Committee meeting
DEP, 5th Floor Conference Room

November 4, 1992
10:00 - Noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
September 16, 1992

Present: Adams, Brown (chair), Cox, McGregor, Mascoop, Rubinstein, Swedis

Absent: Cahaly, Ozonoff, Schloss

Nancy Wrenn introduced Andrea Adams as the new representative from the Cape Cod Commission. Andrea comes to the Commission from having worked in Rutland County, Vermont as coordinator of recycling and household hazardous waste management.

Steve Dreeszen stated that the schedule for the transfer station regulations has been set back due to the loss of one of the program's legal staff. Regina McCarthy announced that the revised Ch. 21D legislation has been approved by Sec. Tierney and is going to the Governor's office today. Greg McGregor thanked Gina for her service in developing this legislation and noted that the public participation process was a good model. This was seconded by Geoff Brown, who offered assistance from Associated Industries in moving the legislation.

Jim Miller described a change in the assignment of generator identification numbers, to go into effect October 1. The new self-assignment system, which will allow the use of telephone numbers, is expected to be a time-saver for those who have one-time only shipments, are awaiting permanent numbers from EPA, or are small waste oil generators or very small quantity generators. The electronic monthly operating reports submitted by transporters will be used for spot checking. Miller was asked how the new electronic reporting is working. He responded that most (80%) of the transporters are submitting in this manner and that by June of 1993 software for computerizing the system is expected to be in place.

The minutes of the July 15 HWAC meeting were approved.

Members of HWAC who had visited Clean Harbors of Braintree in August reported on their experience. "Demystifying" was a description common to all. Bob Largesse of Zecco invited the members to visit his facility, which is smaller, as a comparison. Given how basic (typically the TSDF's do drum consolidation only, with the exception of three, who also do solvent recovery) the operations at TSDF's are, members questioned the DEP inspection priorities. Peg Carson, DEP field inspector from the Northeast

office, said that TSDF's are typically visited every other month. Steve Dreeszen acknowledged that hazardous waste treatment, storage and disposal facilities are the most highly regulated activity in Massachusetts. Geoff Brown commented that he was sad to see a very efficient and much-valued TSDF, Southampton Sanitary Engineering, close.

Members addressed their areas of concern which would form an agenda for the coming year:

- **Household hazardous waste** has been, and will continue to be, a high priority. They would like to have Pat Deese Stanton come to the next meeting to review the recommendations of the HWAC submitted in October 1991.

- **Policy development** is a concern. The staff process for developing policy, with consistent explanation of the background and context of the issue, was requested.

- **Maximizing voluntary compliance** through such efforts as dedicated newsletters, multi-media inspections, non-enforcement audits, was a topic of interest for future meetings. Local government knowledge should be included in the multi-media inspection.

- **One-stop permitting consultations** to shape and expedite the permit application process is a topic of interest.

- **The DEP telephone system**, its efficiency and effectiveness, is a concern. The new regional service centers, as well as voice mail, are of interest.

- **Industry as a part of the solution**, e.g. collaborative research on toxic use reduction, and the work of the Office of Technical Assistance, would be an agenda topic.

- **Review of 310 CMR 30.000**, the hazardous waste regulations and current policies.

Jim Miller described the current federal authorization process, which is in continuous backlog and is an extremely labor-intensive and duplicative effort for both the state and federal agencies. One solution may be to adopt federal rules by reference to eliminate duplicate regulations. However, there is the risk that during such revision certain carefully tailored state regulations may be fundamentally changed. Geoff Brown suggested blocking out the regulations section by section, taking the easy ones first. Miller said that time is being allocated in this year's EPA grant to look at the options. In two months he may be able to report back on the direction this is taking. Many states are taking a "hybrid" approach. Largesse said that simplifying the regulations could make a big difference in the staff resources spent in his company, since they deal with many states. Mascoop suggested bringing back veteran HWAC members to assist in the decision-making.

Denise Breiteneicher of the Mass. Water Resources Authority briefly described the findings of their fall 1991 federally-funded study of the feasibility of long-term household hazardous waste collections, including regional vs. single community. Storing drums and the use of dedicated equipment at the "permanent" sites did prove to be more economical.

Participation rates varied from 1-8% of the households and appeared to relate to publicity and familiarity with the collection experience. Responses to a survey of participants indicated that they had been storing the materials. There was no direct correlation established with use of the sewer. The MWRA board, although somewhat concerned about the liquid portion getting into the system, believes household hazardous waste is basically a solid waste problem and should be addressed by DEP, not MWRA. They did not approve continuing the sponsorship at this time. 81% of those surveyed indicated they would be willing to pay \$25 for the service. Mechanisms for funding HHW collections could be a \$1 sewer assessment (\$800,000/year) or a check-off box on the state income tax form.

A small guide to safe handling of HHW was developed as part of the MWRA program and is available for reprinting.

HWACalendar

GOVERNMENT DOCUMENTS
COLLECTION

DEC 18 1992
University of Massachusetts
Depository Copy

December 16, 1992

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 10TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

- 9:30 Minutes of HWAC meeting of 10/21/92
- 9:45 Announcements
Status of Regulatory Package - Steve DeGabriele
Status of 21D legislation - Gina McCarthy
- 10:00 Overview of oil filter policies in other N.E. states
and status of DEP policy - Jim Miller
- 10:15 Recent Household Hazardous Waste conferences - Stow, MA and
Minneapolis (National) - Nancy Wrenn, Andrea Adams
- 10:30 Report of the Regs Review Subcommittee - chair
- 11:00 Federal Hazardous Materials Transportation proposals
(HMTA and HMTUSA) - Steve Dreeszen
- 11:15 DEP Proposal for Rail Transfer of Hazardous Waste
- Steve Dreeszen
- 12:00 Holiday Luncheon

You are cordially invited to join us for a buffet lunch.
Please call Nancy Wrenn by Monday, December 14 if you plan to
attend. There will be a charge of \$6.00.

Transporter Committee meeting
DEP, 5th Floor Conference Room

December 9, 1992
10:00 - Noon

Regs Review Subcommittee
DEP Training Center, Millbury

December 11, 1992
10:00 AM - 4:00 PM

**DRAFT PROPOSED REGULATORY CHANGE
310 CMR 30.000**

30.010 Definitions

"Rail freight car" means a car designed to carry freight or non-passenger personnel by rail, and includes but is not limited to a box car, flat car, gondola, hopper car and occupied caboose.

"Rail holding area" means a rail yard authorized by the Department to receive manifested shipments of hazardous waste in transit for the purpose of continuing transportation by rail, or to transfer manifested shipments of hazardous waste in transit by rail to vehicles for the purpose of continuing transportation, subject to regulation by the U.S. DOT.

"Rail yard" means an area subject to regulation by the U.S. DOT where cargo is loaded onto and unloaded from rail freight cars.

30.408 Hazardous Wastes in Transit

(6) Notwithstanding the provisions of 310 CMR 30.408(5), a transporter may unload hazardous waste from a vehicle for continuing transportation by rail at a rail yard authorized by the Department as a rail holding area, pursuant to 310 CMR 30.417. Hazardous waste shall be unloaded at a rail holding area only after an authorized rail yard official signs the manifest as agent for the continuing rail transporter which thereby assumes custody and control of the hazardous waste. The hazardous waste will be considered in the custody and control of the initial transporter until the authorized rail yard official signs the manifest as the continuing transporter.

30.417 Rail Holding Areas

A rail yard may receive manifested shipments of hazardous waste in transit for continued transportation by rail provided that the rail yard is authorized to do so by the Department. Such authorization shall be issued only after the rail yard has documented to the Department a plan describing security, inspections, personnel training, spill containment, and emergency response provisions. The plan shall include provisions for complying with 310 CMR 30.405(7), 30.413, and 30.415, and also the requirements of 40 CFR Part 174. An authorized rail holding area shall assume custody of manifested shipments of hazardous waste by signing the manifest as a continuing transporter before unloading any hazardous waste shipment from a vehicle.

30.801(14) Who Must Have a License

The holding of a manifested shipment of hazardous waste in transit by a rail transporter for continued transportation by rail at a rail holding area authorized by the Department pursuant to 310 CMR 30.417.

DIVISION OF HAZARDOUS WASTE
Policies Currently in Effect
(December, 1992)

<u>Number</u>	<u>Policy Title</u>	<u>Date Adopted</u>	<u>Staff Contact</u>
HW 81-01	Site Assignment Under Chapter 111, Section 150B {Exemption for on-site storage & treatment and for TSDFs which received site assignment as of July 15, 1980}	08/27/81	Dreeszen
HW 84-01	Policy on Waste Classification {Generator requests for classification to be presented in writing, what info. needed, how Dept will maintain}	04/12/84	Dreeszen
HW 84-02	Policy for the Interpretation of "Active Portion" in Special Locational Standards for Ignitable and Reactive Wastes	11/06/84	Dreeszen
HW 85-01	Identification of Hazardous Waste {Procedure for identification, waste code numbers to be {used, exemptions, mixture rule, imminent threat}	03/09/85	Miller
HW 85-02	Policy for Submission of Contingency Plans {To which agencies contingency plans, updates, and declarations of submission must be submitted by TSDFs & LQGs}	09/18/85	Brown
HW 89-01	Policy on the Processing of White Goods Containing PCBs {Training, inspection & capacitor removal service guidelines & required sampling to reduce or eliminate PCBs}	07/13/89	Wrenn
HW 89-02	Policy for Contractors with Hazardous Waste {Conditions under which contractors with multiple sites may self-transport wastes to one central location}	07/17/89	Wrenn
HW 92-01	Policy for Disposal of Lighting Ballasts from Fluorescent Lights Containing PCB Impregnated Capacitors {Conditions under which a contractor's central receiving facility can be considered the site of generation for intact, non-leaking ballasts from other sites}	01/16/92	Kaligian
HW 92-02	Waste Management Guidance for Industrial Wipers and Sorptive Minerals Contaminated with Waste Oil {Conditions under which oily, non-saturated sorptive materials may be handled as solid waste}	05/20/92	Paterson



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

COMMUNITY TECHNICAL ASSISTANCE

HOUSEHOLD HAZARDOUS WASTE

The Hazardous Waste Management Program has prepared the following information to assist community planners and citizens in understanding the nature of household hazardous waste and ways in which it can be managed, with particular emphasis on effective use of limited public funds. To obtain copies, please return this form to HHW, DEP/BWP/Division of Hazardous Waste, One Winter Street, Boston, MA 02108, or call (617) 292-5898.

Please complete:

Mail to: _____

Permanent Collection Centers:

- _____ Municipal Waste Oil Collection and Notification Form (2/91)
- _____ Best Management Practice for Municipal Oil Collectors with Space Heaters (12/90)
- _____ Communities with Waste Oil Collection Centers (7/92)
- _____ Guidance & Application Form for Communities Developing Permanent Household Hazardous Waste Collection Centers (11/90)
- _____ Streamlining the Application Process: Who Does What? A Checklist for Community Planners (4/92)

Other:

- _____ Household Waste Paint: Alternatives to Disposal (7/92)
- _____ How to Obtain a Listing of Hazardous Waste Generators
- _____ Model for Request for Proposals for One-Day Collections including Regulations & List of Contractors (8/90)
- _____ Battery Recycling Companies (7/92)
- _____ Living with Hazardous Products
- _____ One Day Community Hazardous Waste Collections (Summary of Mass. Regulations)
- _____ Recommendations on Household Hazardous Waste Policy Directions for Massachusetts (9/91)
- _____ Used Oil Return Law Publicity - Volunteer Project

**HAZARDOUS WASTE INFORMATION
REQUEST FORM**

Indicate which documents you would like and call the Hazardous Waste Compliance Assistance Line (617-292-5898) or send a self-addressed envelope to the Massachusetts Department of Environmental Protection (DEP), Division of Hazardous Waste (DHW), Compliance Branch, One Winter St., Boston, MA 02108.

GENERAL FACT SHEETS

_____ Labeling Hazardous Waste
_____ Land Ban
_____ The Large Quantity Generator of Hazardous Waste
_____ The Massachusetts Hazardous Waste Manifest System
_____ Property Transfers
_____ Satellite Accumulation
_____ Toxicity Characteristic (TC) Rule
_____ Underground Storage Tanks
_____ The Very Small Quantity Hazardous Waste Generator

INDUSTRY SPECIFIC FACT SHEETS

_____ Boatyards and Marinas
_____ Construction Companies
_____ Contractors Guidance
_____ Dentists
_____ Drycleaners
_____ Furniture Manufacturing and Refinishers
_____ Golf Courses
_____ Graphic Artists, Printers, Photographers
_____ Infectious Waste Disposal and Transport
_____ Laboratories
_____ Medical Offices
_____ Metal Finishers
_____ Pesticide Users
_____ Photoprocessors
_____ Small Engine Repair
_____ Vehicle Maintenance and Autobody Repair

WASTE OIL

_____ Approved Waste Oil Space Heaters
_____ Communities with Waste Oil Collection Centers
_____ Hazardous Waste Facts for Generators of Used Oil
_____ Home Fuel Oil Tank Removal (Draft)
_____ List of Oil Filter Processors
_____ List of Underground Tank Testing Firms
_____ Municipal Collection of Used Oil & Application
_____ Municipal Oil Collectors with Space Heaters
_____ Retailers Guide to the Used Oil Return Law
_____ Underground Tanks Storing Waste Oil
_____ Waste Management Guidance for Oily Rags and Debris

OTHER DOCUMENTS

____ Asphalt Batching Plants
____ Battery Reclaimers, Antifreeze & Oil Filter Recyclers
____ Community Technical Assistance: Household Hazardous
____ Waste (Listing of information available from DEP)
____ Getting the Lead Out: Guidance for Homeowners
____ Guide to Determining Status and Regulatory Requirements
____ Guidelines for Processing White Goods
____ How to Obtain a Listing of Generators
____ Key Words, an Index to 310 CMR 30.000
____ List of Certified Environmental Laboratories
____ List of Current Policies
____ List of Hazardous Waste Transporters
____ List of Precious Metal Transporters
____ List of TCLP Laboratories
____ Summary of Requirements for Small Quantity Generators
____ Summary of Policy Decisions related to Vehicle
____ Maintenance

These documents are available from the State House Bookstores in Boston (617-727-2834) and Springfield (413-784-1376):

Hazardous Waste Regulations, 310 CMR 30.000
Small Quantity Generator Workbook

FORMS

____ Contingency Plan Declaration of Submission Form
____ DEP Change of Status Form
____ DEP Change in Ownership, Transfer of ID Form
____ Manifests available from Certified Business Forms,
____ Newton, MA (617-969-0550)

The following forms are available by calling DEP's InfoLine
[617-338-2255 or 1-800-462-0444]:

DEP Generator Registration for Very Small Quantity
Generators and Small Quantity Generators of Waste Oil

Notification of Hazardous Waste Activity for Large
Quantity and Small Quantity Generators

Recycling Permit Application

____ VIDEO "Little Things Mean a Lot," for SQG's, may be borrowed

MAIL TO:



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

November 9, 1992

SPECIAL NOTICE

To persons on the mailing list
for Hazardous Waste Advisory Committee meetings

Due to a conflict of dates with the annual Northeast Waste Management Officials & EPA Training and Technology Transfer Meeting [November 17 and 18] the regular meeting of the Hazardous Waste Advisory Committee scheduled for November 18 has been cancelled.

The next meeting of the Committee will be Wednesday, December 16, 1992. The annual HOLIDAY LUNCHEON will follow the meeting. This meeting will be held in the conference room on the 10th floor at One Winter Street.

An agenda for the December 16 meeting will be mailed to you during the week of December 7. To help us plan for the luncheon we will need an RSVP, no later than December 14.

Enclosed are minutes of the October 21 meeting with a copy of the letter sent to Governor Weld in support of legislation revising Ch. 21D, the Hazardous Waste Facility Siting Law.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
October 21, 1992

Present: Adams, Brown, Cahaly, Cox (chair), McGregor, Rubinstein, Schloss, Swedis

Absent: Mascoop, Ozonoff

57. EA28.
Steve DeGabriele announced that the Transfer Station regulations are on hold, awaiting further instructions from EOE, and no public hearing dates have been set. There have been no substantive changes in the draft since last reviewed by the committee. Jim Miller announced that the Federal Rule on waste oil recycling which was issued September 10, 1992 will become effective on 3/8/93, only in states which are not authorized. Mass. will adopt the rule, or its version of it, at a later date, as determined by a schedule fixed by EPA. An example of one difference to be considered is the definition of "used oil", which now includes synthetic oil.

The minutes of the September 16, 1992 HWAC meeting were approved.

Gina McCarthy reported that the revision of C. 21D was sent to the Governor's office for legal review. By 11/4 it is expected to be submitted to the Legislature, either by the Governor or the Secretary. McCarthy welcomes support from HWAC. On a motion by Sue Swedis, the members unanimously approved sending a letter to the Governor recommending the legislation be submitted. Swedis volunteered to draft the letter.

Nancy Wrenn distributed a summary of key words in 310 CMR 30.000 as a tool for members interested in understanding the hazardous waste regulations. Members requested a list of fact sheets and policies to be sent with the next mailing. Members discussed their concerns with the regulations, (e.g. do the regulations make sense? do they over-regulate or under-regulate?) and agreed, on recommendation by DeGabriele, to form a subcommittee to work on this. He suggested looking at each section and clarifying what is within our control to change. Dick Cahaly moved that a special subcommittee which would include members of the regulated community be created to provide managed feedback to DEP on the effectiveness of 310 CMR 30.000. The motion was approved unanimously. The following volunteered to serve: Lynn Rubinstein, Geoff Brown, Andrea Adams, Bob Largesse (Zecco), Alan Stern (Cyn Oil), Bob Cox, Al Shaines, Len Landry (Waste Management Inc.), and Julie Colglazier (Laidlaw Environmental Services).

Pat Deese Stanton, Assistant Commissioner, Bureau of Waste Prevention, responding to the committee's interest in how their recommendations on household hazardous waste policy had been implemented, said that DEP is now shifting some of its attention to the consumer sector as a class whose behavior DEP would like to influence. The automobile will be the focus as well as household products. Batteries from electric vehicles may be a waste disposal problem in the future. Other products, such as solvents and paints, may be best changed on a national level. Government is not expected to grow a lot, Deese noted. She said that TSDF's or Solid Waste facilities might be a possible location for permanent collection centers for household and very small quantity generator hazardous waste, but this probably would not be mandated. Scott Cassel, who writes for local newspapers on household hazardous waste issues, asked if the HHW subcommittee could be re-established to address the continuing need for policy development, e.g. benefits of removing this waste from landfills, sewers vs. solid waste incineration.

Stanton also described the mission of the Bureau of Waste Prevention, which encompasses hazardous waste, solid waste, air quality, toxic use reduction and industrial wastewater. The new look is holistic, not just looking at the environment by statute but also not lowering the standards. Some of the regulations which are over 20 years old are in conflict. There are two groups: facility and consumer sector. Compliance and enforcement strategy is changing to a whole facility approach. Each inspection will be done with a checklist of questions to determine if there is an unpermitted activity and opportunity for source reduction. Training for inspectors on three levels is in progress. Currently the Bureau is undergoing an organizational analysis to develop better coordination systems.

Jim Miller reported that based on comments from interested parties there will be a final policy on the management of used oil filters which will encourage full recycling but will require as the minimal practice the puncture and "hot" drain prior to disposal as solid waste. The rationale is that anyone can implement this and at least 50% of the oil in the filter can be captured by draining. A visual inspection can determine whether the generator is in compliance. Miller believes that many landfills are now phasing out and that many of the filters will be incinerated. The toxicity issue is no longer of concern to EPA. However, CERCLA liability will continue to drive many companies toward full recycling and the cost is low (.30-.50/filter). This proposed policy aroused a number of comments from members and attendees. Adams said the Cape would prefer that DEP require processing. Swedis asked if there would be a push to regulate this in the future and asked what other N.E. states are doing. Kirk Franklin of Franklin Recycling said that R.I. is handling filters as "recyclable" or "hazardous waste." The metal from his process goes to an overseas market, the paper to solid waste incineration. 40% of his customer base are VSQG's, the cost for 200 uncrushed is \$65-100. BFI will not pick up filters, he believes. Swedis requested more rationale and asked

that this be on the next HWAC agenda.

Ed Kunce, Deputy Commissioner of DEP Operations, described the concept of the new Regional Customer Service Centers. Surveys by the business community have had a common theme: If you can get to the right person in DEP, fine. There is now a central Fees Information Service in Boston. To expand on this, the regional service centers will be taking questions from legislators, the press, professional organizations, municipalities, citizens, and industry. Experience in the Western Regional office indicates that of 250 phone calls received, 140 could be handled directly by the new service center, the others were referred to program experts. The centers will also have room for file review and educational literature. They will provide permit application assistance and aggressive outreach, including speaker coordination. Kunce said that four people have been selected to head these service centers but their employment is being held up in Administration and Finance. Rubinstein commented that she has had a very positive experience with the Western Regional office service center.



Massachusetts Audubon Society

*South Great Road
Lincoln, Massachusetts 01773
(617) 259-9500*

November 2, 1992

His Excellency William Weld
Governor of the Commonwealth
Executive Office
State House
Boston, MA 02133

Dear Governor Weld:

I am writing on behalf of the Hazardous Waste Advisory Committee to express the Committee's interest in the proposed revision of Chapter 21D. As you know, several members of the Committee have been involved deeply in various phases of the process that has led to the draft legislation that now has been submitted to you. We believe that the revision of 21D is an important part of an overall program for the effective management of hazardous substances in the Commonwealth, and that it warrants your encouragement.

The Hazardous Waste Advisory Committee solidly supports moving the revision of 21D into the legislative process where it will be subject to detailed review and public comment.

For the Hazardous Waste Advisory Committee,

Susan R. Swedis
Toxic Pollution Specialist

cc: Susan Tierney, Secretary of Environmental Affairs

HWACalendar

COLLECTION

JAN 13 1993

January 20, 1993

MONTHLY MEETING

DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

- 9:30 Minutes of HWAC meeting of 12/16/92
- 9:45 Announcements and status reports
Regs Review Subcommittee - Geoff Brown
- 10:00 Rail transfer:
Report of the issues from the Transporter Committee -
John Davey
- 10:45 Update on TSDF Licenses and Closures - Steve Dreeszen
- 11:30 Committee Business:
Election of a Steering Committee for 1993
Discussion of when a member should recuse

Subcommittee Meetings

Regs Review Subcommittee
U MASS Medical Center
Route 9, Worcester

February 5, 1993
9:30 - 3:30

Transporter Committee
DEP, 5th Floor Conference Room

February 10, 1993
10:00 - Noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
December 16, 1992

All members present: Adams, Brown, Cahaly, Cox (Chair), Mascoop, McGregor, Ozonoff, Rubinstein, Schloss, Swedis

The minutes of the 10/21/92 HWAC meeting were approved as written.

Steve DeGabriele announced that the Regulatory Package has still not gone through legal review. Because of authorization items in the package, there is potential difficulty in meeting the EPA grant commitment. The change in 310 CMR 30.252(2) regarding used and unused oils has been incorporated in Bureau of Waste Site Cleanup regulations. A letter (dated 12/14/92) to the committee from Sec. Tierney and Comm. Greenbaum stating that they had decided "not to pursue promulgation of the proposed transfer station, continuing transportation regulations" was read and distributed.

Following discussion of the reasons why the legal review has not yet taken place (reorganization of the Office of General Counsel and reduction of staff assigned to the Hazardous Waste Management Program from 2.5 work years to .5), members voted unanimously to send a letter to Comm. Greenbaum stating their concern. Geoff Brown will draft a letter to be reviewed by the Steering Committee.

DeGabriele stated that the oil filter policy which had been discussed in previous HWAC meetings has been submitted with staff recommendations to Ass't Comm. Stanton for review by upper management. He provided background information on the development of the policy, which follows the federal system and would encourage recycling but would not regulate used oil filters as a hazardous waste. All New England states, except R.I., are following the federal system. Mass. goes further because waste oil is a listed hazardous waste. Members expressed concern that the policy was not strong enough. Adams said that in Vermont oil filters are "special wastes" which need to be collected. McGregor stated that it should not be policy but "law." Al Shaines noted that BFI will not accept oil filters. Rubinstein suggested that some recyclers will take the filters undrained and asked that DEP include an exception to the drain requirement if filters were recycled. John Giordano of A&A Waste Oil said that most garages are draining the filters 12-24 hrs. on racks but not always puncturing. George Pop of Franklin Recycling noted that Carol Browner, EPA Administrator-designee, does not allow filters in landfills in Florida. Richard Tolman of Tolman Environmental said that "nobody punctures" and that valuable

steel can be recovered if the filter is processed. Pop said that crushers and smelters are having trouble meeting air quality standards. He recommends separation of the components to eliminate CERCLA liability from oil in landfills as well as improving the % removed for recycling from MSW. Estimated cost to the generator is now .22-.35/filter, compared to cost in time to puncture and drain. Rubinstein moved that the Committee support a regulatory change to require recycling of oil filters. The motion carried with McGregor, Swedis, Mascoop, Ozonoff and Rubinstein voting in favor, Cox, Adams, Cahaly and Brown against and Schloss abstaining. Those who did not favor the motion asked for hot drain as an option and more information on the economic impact of requiring recycling.

Gina McCarthy reported that Gov. Weld has decided to file the revised C.21D legislation in the 1993 session to allow for full public hearing, hopefully to take place in February.

Nancy Wrenn reported that the Nov. 7 forum on household hazardous waste attracted over 60 participants. One presenter, a new paint recycling company, may be able to help divert a significant amount of waste paint from disposal. Many communities are unable to move beyond the one-day event. Developing more permanent collection programs is now being addressed in the next phase of DEP's work with HHW.

Andrea Adams provided a stirring summary of the recent national conference on household hazardous waste in Minnesota, with focus on the topics of targeted wastes, the hierarchy of waste management, used oil, education, and innovative approaches, including reformulation and waste bans, paint swaps, mobile units.

A report of the Regs Review Subcommittee was postponed, due to rescheduling of the first meeting of this committee.

Steve Dreeszen discussed two recent federal proposals aimed at developing uniform standards which could significantly change the Mass. hazardous waste transporter licensing program. In a Mass. SJC case (American Trucking Assoc. vs. Peter Nessen) the right of the DEP to issue Vehicle Identification Devices was attacked. (This provides \$500,000 in revenue each year.) New Jersey and NEWMOA are working on developing a position for the northeast states.

Prior to discussion of the DEP proposed regulation of rail transfer, members Cox and McGregor recused themselves and Rubinstein assumed the chair. Dreeszen gave background stating that there are two to three rail yards in Mass. where this could occur. Staff have been meeting with transporters on this. There is no consensus yet on the appropriate level of control. Legal opinion will be sought on DEP's authority vs. DOT's. Members requested that this item be on the agenda of the next HWAC meeting with information from rail officials, DOT, and the transporters.

Ozonoff requested that the question of when members should recuse themselves from discussion be placed on a future agenda.